

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

DAVID SIDOO, *et al.*,

Defendants.

Case No. 1:19-CR-10080-NMG

**DEFENDANTS' MOTION TO SEVER PURSUANT TO FEDERAL RULES OF
CRIMINAL PROCEDURE 12(B)(3)(D) AND 14**

The defendants hereby move to sever the claims against each of them in the Fourth Superseding Indictment (the “Indictment”) from those of the other defendants pursuant to Federal Rules of Criminal Procedure 12(b)(3)(D) and 14.¹ As grounds for this motion, the defendants state that severance is necessary to mitigate unfair, substantial prejudice should any of the defendants be tried together with any of the others. Although the Court has already split the defendants into two groups for purposes of trial, the defendants submit that further severance is necessary to prevent unduly prejudicial spillover of evidence inadmissible as to all but one defendant or married couple. The defendants submit this motion consistent with the Court’s directive at the February 27, 2020 status conference, but reserve the right to file further severance motions after they have completed their review of the government’s ongoing, voluminous productions, and further developed their individual defenses, when they may articulate with greater clarity the additional specific trial rights that would be compromised by joint trials.

¹ All the defendants join in this motion.

Accordingly, for the reasons stated in this motion and in the accompanying memorandum in support, the defendants respectfully request that this Court sever the claims in the Indictment against each defendant and provide each defendant with an individual trial.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rules 7.1(d) and 112.1, the defendants respectfully request oral argument on this motion.

DATED: April 1, 2020

Respectfully submitted,

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LOCAL RULE 7.1(a)(2) CERTIFICATION

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/s/ Eóin P. Beirne

Eóin P. Beirne (BBO # 660885)

CERTIFICATE OF SERVICE

I, Eóin P. Beirne, hereby certify that on April 1, 2020, this document, filed through the CM/ECF system, will be sent electronically to all registered participants in this matter as identified on the Notice of Electronic Filing (NEF).

/s/ Eóin P. Beirne

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